Appeal of disciplinary actions against judges
(HB 141 by Hury/Caperton)

DIGEST: HB 141 would have allowed a court appeal for judges who receive public admonitions, warnings, reprimands or requirements to obtain additional education or training from the State Commission on Judicial Conduct. The chief justice of the Supreme Court would have selected by lot a court of review composed of three judges of the courts of appeal, excluding judges from any court of appeals in the district in which the appealing judge held court. The review would have been by trial de novo and could not have been appealed. Within 60 days of a public hearing in the judge's home county, the court of review would have issued a decision "affirming or reversing the action of the commission as it finds just and proper."

GOVERNOR'S REASON FOR VETO: While the governor said the bill contained a worthy concept, he also said that the bill would dilute the effectiveness of the Judicial Conduct Commission "because the appeal would be in the nature of a new trial rather than a review limited to the question of whether the commission's action was supported by substantial evidence. This is a departure from the standard procedure for appeal of state agency actions. The proposed new trial provision is a substantial defect in a bill that is otherwise worthy of merit. This defect is of sufficient magnitude that I am reluctantly compelled to disapprove this bill."

AUTHOR'S VIEW: Rep. James Hury had no comment on the veto.

NOTES: The House Research Organization analysis of HB 141 appeared in the May 4, 1987 Daily Floor Report.

HB 141 would have applied only to commission decisions on complaints filed on or after the effective date of the bill.